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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

NATHANIEL CLARENCE FORREST,

Defendant and Appellant.

E066045

(Super.Ct.Nos. FMB1500347,
FMB1600021)

OPINION

APPEAL from the Superior Court of San Bernardino County. Bert L. Swift, Judge. (Retired judge of the San Bernardino Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Beatrice C. Tillman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Nathaniel Clarence Forrest is serving six years after pleading guilty to assaulting a police officer and to violating his probation in a domestic violence case. We affirm.

FACTS AND PROCEDURE

Case No. FMB1500347

On August 2, 2015, defendant argued with his girlfriend (the victim) over a television. The two had a child together. Defendant grabbed the victim by the hair and slammed her head into the television, shattering the television. Defendant then grabbed a kitchen knife, got on top of the victim and attempted to stab her. The victim was able to get away with a small cut to her right hand. While the victim was on the telephone with dispatchers, defendant grabbed the telephone and threw it down the stairs. Defendant fled, but was arrested four days later.

On August 10, 2015, the People filed a felony complaint charging defendant in count 1 with assault with a deadly weapon, a knife (Pen. Code, § 245, subd. (a)(1)),¹ in count 2 with inflicting corporal injury on a spouse, etc. (§273.5, subd. (a)), and in count 3 with dissuading a witness (§136.1, subd. (b)(1)).

On August 18, 2015, defendant pled no contest to counts 2 and 3. As agreed, the court granted defendant probation for three years and ordered him to serve 180 days, of which, “You’ll end up doing half of that time.”

On January 21, 2016, this probation was revoked after defendant was charged with new offenses in Case No. FMB1600021.

¹ Section references are to the Penal Code except where otherwise indicated.

On January 14, 2016, defendant's ex-girlfriend called law enforcement to report he was inside her home despite a restraining order. Defendant resisted arrest and had to be hobbled and carried to the sheriff's vehicle. Defendant did \$1,400 in damage to the vehicle by kicking the window and door after he was placed in the backseat. Defendant became subdued only after being doused with pepper spray.

On January 19, 2016, the People filed a felony complaint charging defendant in count 1 with stalking (§ 649.9, subd. (b)), in count 2 with assaulting a peace officer (§ 245, subd. (c)), in count 3 with vandalism over \$400 (§ 594, subd. (a)) and in count 4 with misdemeanor vandalism under \$400 (§ 594, subd. (a)). The People also alleged defendant had a prior strike conviction (§§ 667, subds. (b)-(i)), 1170.12, subds. (a)-(d)) and a prior serious felony conviction (§ 667, subd. (a)(1)) from Case No. FMB1500347.

On March 1, 2016, defendant pled guilty to count 2, assaulting a peace officer. As agreed, the court sentenced defendant to the aggravated term of five years, plus a consecutive term of one year in Case No. FMB1500347.

This appeal followed. It does not appear from the record that the trial court granted defendant's request for a certificate of probable cause.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of

the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

MILLER
J.

SLOUGH
J.